

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CSC HOLDINGS, INC.,

Plaintiff,

04 Civ. 5608 (ADS)(JO)

- against -

**AFFIRMATION OF SERVICES
IN SUPPORT OF INQUEST**

WILLIAM GORMAN,

Defendant.

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I, **MELINDA M. DUS, ESQ.**, affirm the following under penalty of perjury:

1. I am associated with the firm Lefkowitz, Louis, Sullivan & Hogan, L.L.P., attorneys for plaintiff, CSC Holdings, Inc. (hereinafter referred to as "Cablevision" or "plaintiff") in the above-entitled action. I submit this affirmation in support of plaintiff's application to recover from defaulting defendant William Gorman (hereinafter "defendant" or "Gorman"), Cablevision's reasonable costs and attorney's fees incurred in prosecuting this action against the defendant.

2. Pursuant to 47 U.S.C. Section 605(e)(3)(B)(iii), a court is required to direct the recovery of full costs, including reasonable attorneys' fees, to an aggrieved cable operator who prevails on its claims under 47 U.S.C. Section 605(a). Attached hereto as Exhibits "D-F" are computerized transcriptions of plaintiff's attorneys' daily handwritten time sheets prepared contemporaneously with the task recorded that pertain to this case. (Time sheets reflect services performed by Melinda M. Dus, Esq., Michael G. McAlvin, Esq., Susan A. Weindler, paralegal) The attorneys' and paralegals' time sheets were prepared on a daily basis contemporaneously with the performance of legal services reflected therein. The time sheets, in turn, were transcribed into computerized billing records on a substantially contemporaneous basis, and the computerized billing records are identical in content to the time sheets. This is the regular practice of plaintiff's counsel's firm. The original time sheets are maintained at plaintiff's counsel's office and copies are

available for the Court's review upon request. See Cruz v. Local Union No. 3 of the Int'l Brotherhood of Electrical Workers, 34 F.3d 1148, 1160 (2d Cir. 1994).

Also, Exhibit "E" contains copies of handwritten time sheet entries for this matter, for legal services rendered after May 2005, by paralegal, Susan A. Weindler.

3. The background and experience of the attorneys responsible for this case is as follows: Melinda M. Dus, Esq. ("MMD") is an associate with over four years of federal litigation experience, admitted to practice law in the State of New York and in the Federal District Court for the Southern and Eastern Districts of New York in 2001. Her billable rate is \$165.00 per hour.

4. Michael G. McAlvin, Esq. ("MGM") is an associate of this firm with over four years of federal and state litigation experience, admitted to practice law in the State of New York and in the Federal District Court for the Southern and Eastern Districts of New York in 2001 and the State of New Jersey and Federal District Court for New Jersey in 2000. His billable rate is \$165.00 per hour.

5. Susan A. Weindler ("SAW") is a paralegal with approximately five years of experience. Ms. Weindler was a legal secretary with Lefkowitz, Louis, Sullivan & Hogan, L.L.P. for approximately one year prior to becoming a paralegal. Her billable rate is \$95.00 per hour.

6. For multiple reasons, including but not limited to, ensuring consistency in billing and costs, Cablevision and this office agreed that certain tasks would be billed at a specific dollar amount. In this action, two activities were billed on a per task basis. The tasks are as follows:

- Drafting all papers relating to the complaint is billed at \$300.00;
- Drafting all papers relating to a default is billed at \$200.00; and
- Drafting all papers relating to the damages submission is billed at \$600.00.

Importantly, for purposes of billing, when an activity performed is one for which Cablevision and this firm has agreed on a task fee, the billing form sent to the client indicates 0.00 hours for that task. Also, to the extent that work is done by this firm that is not related to one of the above tasks, Cablevision is billed on a per hour basis.

7. The hourly time Melinda M. Dus, Esq. billed in this action amounted to .90 hours, which was billed at a rate of \$165.00 per hour for an aggregate sum of \$148.50. In addition, Ms. Dus was responsible for the drafting of plaintiff's complaint for which the client was charged \$300.00 and for drafting of plaintiff's default papers for which the client was charged \$200.00. Thus the total sum of legal fees Ms. Dus incurred is \$648.50 ($\$148.50 + \$300.00 + \200.00). See Exhibit "D."

8. The hourly time Michael G. McAlvin, Esq. billed in this action amounted to .40 hours, which was billed at a rate of \$165.00 per hour for an aggregate sum of \$66.00. In addition, Mr. McAlvin was responsible for the drafting of plaintiff's damages papers for which the client was charged \$600.00. Thus the total sum of legal fees Mr. McAlvin incurred is \$666.00 ($\$66.00 + \600.00). See Exhibit "E."

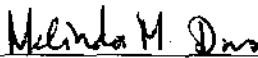
9. The hourly time paralegal, Susan A. Weindler billed in this action amounted to 1.1 hours, which was billed at a rate of \$95.00 per hour for an aggregate sum of \$104.50. See Exhibit "F."

10. Cablevision also incurred \$37.00 in costs relating to serving defendant with the summons and complaint and \$150.00 in costs for filing the summons and complaint.

11. Thus, the sum total of legal fees and costs against the defendant is \$1,606.00 ($\$148.00 + \$300.00 + \$200.00 + \$66.00 + \$600.00 + \$104.50 + \$150.00 + \37.00).

12. Accordingly, Cablevision respectfully requests that, in addition to the award of statutory monetary damages against defendant, it be awarded the sum of \$1,606.00 from defendant William Gorman as reasonable costs and attorneys' fees.

Dated: Jericho, New York
June 16, 2005



MELINDA M. DUS (MD 5613)